

State of Delaware Child Protection Accountability Commission

Quarterly Meeting Minutes

WEDNESDAY, MAY 22, 2019
9:00 AM – 11:30 AM – New Castle County Courthouse
500 King Street, 12th Floor, Wilmington, Delaware

Those in Attendance:

Members of the Commission:

Statutory Role:

Mary Dugan, Esq., Chair	Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
The Hon. Josette Manning	Secretary of Services for Children, Youth & Their Families 16 <u>Del. C.</u> § 931(a)(1)
Trenee Parker	Director, Division of Family Services 16 <u>Del. C.</u> § 931(a)(2)
James Kriner, Esq.	Two Representatives from the Attorney General's Office 16 <u>Del. C.</u> § 931(a)(3)
Abigail Layton, Esq.	Two Representatives from the Attorney General's Office 16 <u>Del. C.</u> § 931(a)(3)
The Honorable Michael Newell	Family Court 16 <u>Del. C.</u> § 931(a)(4)
The Honorable Joelle Hitch	Family Court 16 <u>Del. C.</u> § 931(a)(4)
The Honorable Bryan Townsend	One member of the Senate 16 <u>Del. C.</u> § 931(a)(6)
Susan Haberstroh	Designee for Secretary of the Department of Education 16 <u>Del. C.</u> § 931(a)(7)
Robert Dunleavy	Director, Div. of Prevention of Behavioral Health Services 16 <u>Del. C.</u> § 931(a)(8)
Maureen Monagle	Chair of the Domestic Violence Coordinating Council 16 <u>Del. C.</u> § 931(a)(9)
Cpl. Adrienne Owen	Designee for Superintendent of the Delaware State Police 16 <u>Del. C.</u> § 931(a)(10)
Dr. Garrett Colmorgen	Chair of the Child Death Review Commission 16 <u>Del. C.</u> § 931(a)(11)
Jen Donahue, Esq.	Investigation Coordinator 16 <u>Del. C.</u> § 931(a)(12)
Ellen Levin	At-large Member - Child Protection Community 16 <u>Del. C.</u> § 931(a)(15)
Meg Garey	At-large Member – Interagency Committee on Adoption 16 <u>Del. C.</u> § 931(a)(15)
Dr. Allan De Jong	At-large Member - Medical Community 16 <u>Del. C.</u> § 931(a)(15)
Cpt. Joseph Bloch	At-large Member – Law Enforcement Agency 16 <u>Del. C.</u> § 931(a)(15)

Staff:

Tania Culley, Esq.
Rosalie Morales
Stephanie Scollo

Members of the Public:

Deborah Colligan	Rachael Neff	JoAnn Santangelo	Charles Tate, Esq.
Islanda Finamore, Esq.	Leslie Newman	Meredith Seitz	Eleanor Torres, Esq.
Hannah Lafargue	Anne Pedrick	Lori Sitler	Brittany Willard
Sgt. Jamie Leonard			

I. WELCOME/INTRODUCTIONS

Mary Dugan, Esq. opened the meeting and welcomed the attendees.

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II. APPROVAL OF MINUTES

Secretary Manning suggested two additions to the minutes. The first involved the discussion about chronic absences for children in the custody of the Department of Services for Children, Youth and Their Families (DSCYF). The second was the amount of time the Office of the Investigation Coordinator is spending to track each reported case involving child sexual abuse and the length of time these cases remain open with the Division of Family Services (DFS) and law enforcement agencies.

A motion was made by Dr. Colmorgen to approve the minutes as amended, and Chief Judge Newell seconded the motion. All other members voted in favor, and the motion carried.

III. EXECUTIVE DIRECTOR'S REPORT

Ms. Culley provided the Executive Director's report. She discussed the representation of clients in the custody of the DSCYF. The Deputy Child Advocates are representing 110 clients right now with 75% of them being in Kent and Sussex Counties. The Contract Child Attorneys are representing 305 clients; 22 of those clients are currently on Extended Jurisdiction. In addition, there are 260 Volunteer Attorneys; 203 of those attorneys are assigned to 310 kids. Another 37 attorneys are available to take a case, and 20 attorneys are on hold until further notice by them. There are 220 CASA Volunteers who are assigned to 305 clients; 23 volunteers are available and most are in Sussex County. There were 14 newly trained CASA Volunteers – 5 in Kent, 5 in New Castle and 4 in Sussex. In 2018, the Office of the Child Advocate (OCA) had 80 clients and 66 petitions in Kent, 244 clients and 213 petitions in New Castle, and 72 clients and 56 petitions in Sussex. In total, 396 children came into DSCYF custody and 475 children exited in 2018.

Next, Ms. Culley provided an update on the CASA media campaign that took place from January 15 to February 15, 2019. The WJBR campaign, which was funded by the Victims of Crime Act Grant, brought in a lot of volunteer interest in New Castle and Kent Counties. The CASA Program also began a new flex training this year. The flex training has been successful and is improving diversity by allowing training to be conducted in a face-to-face setting as well as online. A CASA retreat is scheduled for June 13, and it will involve stakeholders to develop a brand and mission for the program. Ms. Culley discussed the advanced trainings for volunteers, and the 2019 training calendar with various topics.

Lastly, Ms. Culley discussed OCA's data management system. As of December 2017, OCA implemented a cloud-based system called Apricot to track its program areas in one central location. The Court Improvement Program (CIP) funded the initial setup and all the costs for the first two years of operations. OCA expressed its gratitude to Family Court for its ongoing support. Two of OCA's program areas, legal services and Office of the Investigation Coordinator (IC), are currently utilizing the data management system. The remaining programs that will be moved over in the future are as follows: intakes, the Child Abuse and Neglect (CAN) Panel, infants with prenatal substance exposure, and the Child Death Review Commission (CDRC) when/if they merge with OCA. The second contract year is up in December, and OCA will be requesting funding through CIP again this year.

IV. REVIEW OF CPAC ACTION PLAN

Ms. Culley discussed the Commission's 2018-2019 Action Plan and reviewed the status of the five prioritized recommendations from the 2018 Joint Retreat. First, it was reported that the CPAC CAN Best

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Practices Workgroup will be meeting in 2019 to review the suggested revisions to the Memorandum of Understanding (MOU) drafted by a smaller working group. In response to the second recommendation, CDRC established a Home Visiting Committee, which will begin meeting on June 11. To address Medicaid reimbursement for evidence-based home visiting providers, the Commission learned that the Division of Public Health is working to address the issue with managed care organizations and is evaluating contracts. CDRC will discuss this recommendation further at its next Commission meeting. For the fourth recommendation in support of the Special Victims Unit, Ms. Dugan and Ms. Culley sent a letter to the Joint Finance Committee in March 2019 requesting additional resources. The final recommendation continues to be addressed by the CPAC Caseloads/Workloads Committee, which presented an update at the March 2019 CPAC meeting. A final report with recommendations will be forthcoming. In summary, one of the five recommendations has been completed.

The Commission also discussed the six additional recommendations from the 2018 Joint Retreat; three of the recommendations have been completed. The IC has continued to meet with several jurisdictions over the last year to ensure that findings from the Child Abuse and Neglect (CAN) Panel are being addressed with local law enforcement agencies. In addition, the CPAC Training Committee released its training for medical providers in January 2019, which included recommendations for medical exams for siblings and other children in the household. The Delaware State Police facilitated doll re-enactment training on August 2, 2018 for statewide law enforcement agencies and additional trainings are being scheduled. CDRC's Home Visiting Committee will consider the recommendation regarding the encrypted evidence-based home visiting referral form for all pregnant women. The last two recommendations regarding home visiting were completed.

A motion was made by Judge Hitch to approve the Action Plan, and Chief Judge Newell seconded the motion. All other members voted in favor, and the motion carried.

V. CHILD ABUSE AND NEGLECT DEATH/NEAR DEATH REVIEWS

A. CAN CASELOADS REPORT/ADMINISTRATIVE UPDATE

Rosalie Morales reported that the CAN Panel has 68 cases open with 19 cases before the Commission today for approval. Thirty-six cases are listed as initials, and another 32 are finals. In April, the Panel reviewed 4 initials, and 2 of those were resolved so the Panel will not need to review those cases again. The Panel also reviewed three finals. At the May meeting, the Panel will be reviewing another 3 initials and 4 finals. Thus far, in 2019, the Panel has received 13 cases - 7 near deaths and 6 deaths.

B. CAN FINDINGS/DETAILS/LETTER TO GOVERNOR

Ellen Levin reported on the 19 cases reviewed by the CAN Panel in the last quarter. Three of the cases (1 death and 2 near deaths) were finals, so they had been previously reviewed by the Panel and were awaiting the completion of prosecution. Two of the cases were ultimately prosecuted. As a result of the sentencing in one case, the CAN Panel made a finding that the SENTAC guideline's presumptive sentence should be greater in child abuse cases. The 16 remaining cases were reviewed for the first time. There were 4 deaths and 12 near deaths, and these incidents occurred between July 2018 and October 2018. Other than one sibling group, the children range in age from three weeks old to six years old. The children were victims of poisoning, unsafe sleep and physical abuse.

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These 16 cases resulted in 70 strengths and 80 current findings across system areas. 34 strengths and 29 findings were noted for the multidisciplinary team (MDT). Findings demonstrate a struggle with promptly invoking the MDT Best Practices MOU in cases such as poisoning or unsafe sleep. CPAC plans to meet with the Police Chief's Council to refresh all jurisdictions on the MOU and mandatory reporting laws. Eleven medical findings were made this quarter, with most focusing on failure to report. Training was improved and delivered by CPAC in early 2019 to all Delaware physicians, and it is hopeful that training will serve as a reminder as to these obligations. Some progress with DFS regarding the use of safety agreements, unresolved risk and risk assessment was again seen this quarter. Thirty-nine findings and 24 strengths were made in these categories.

A motion was made by Dr. Colmorgen to approve the CAN packet, and Chief Judge Newell seconded the motion. All other members voted in favor, and the motion carried.

Ms. Levin shared the Committee asked for the Investigation Coordinator, Jennifer Donahue, to be added as a Steering Committee member. A motion was made by Dr. Colmorgen to add Ms. Donahue as a member, and Dr. De Jong seconded the motion. All other members voted in favor, and the motion carried.

There was general discussion about physicians complying with the reporting obligations under 16 Del. C. § 903. DFS was asked to determine if there has been an increase in reporting by physicians between 2016 to the present. In addition, the Commission asked the CPAC Training Committee's Mandatory Workgroup to analyze the CAN Panel data to determine if specific physicians and/or practices are failing to report.

VI. INVESTIGATION COORDINATOR REPORT

Ms. Donahue gave a presentation on the quarterly data received by the Office of the Investigation Coordinator (IC). Ms. Donahue presented on the child death, serious physical injury, juvenile trafficking and sexual abuse cases opened between January and March 2019. Ms. Donahue described victim and offender profiles together with the types of cases associated with these maltreatment types. Allegations of sexual abuse in the school environment versus non-school settings were presented separately due to the unique characteristics in those cases. Ms. Donahue also discussed the backlog and need for additional resources.

VII. CPAC DATA DASHBOARD

Brittany Willard gave a presentation on the quarterly child welfare trends identified by the CPAC Data Utilization Committee. This included a discussion of the DFS caseloads, the DFS hotline reports, Children's Advocacy Center case types, children entering DSCYF custody, permanency outcomes and county profiles of youth with Another Planned Permanent Living Arrangement (APPLA). Ms. Willard also presented the Committee's recommendation to update the dashboard and utilize Tableau software to present the data. There was further discussion about adding raw numbers, data sources and definitions to ensure the data is clearly interpreted by others. As an example, the Commission was concerned that the data can be interpreted to conclude that several of the data points reference confirmed victims of child abuse or neglect instead of allegations received by the DFS Report Line.

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A motion was made by Secretary Manning to revise the dashboard, and Dr. Colmorgen seconded the motion. All other members voted in favor, and the motion carried.

VIII. COMMITTEE REPORTS

A. LEGISLATIVE

Ms. Culley reported the Committee has not met since the last Commission meeting as there has been no movement with the proposed changes to the Criminal Code, which is a key component of the Committee's work.

An update was provided on the two child abuse bills approved by CPAC at the last Commission meeting. Rather than moving forward with the proposed bills, the Commission discussed a renewed commitment to draft a section in the Criminal Code that is Crimes Against Children. Abigail Layton, Esq. agreed that the bills should be tabled for now to focus on drafting a more comprehensive package, but said this remains a priority for Attorney General Kathy Jennings.

There was also discussion about HB10, which sets a minimum age at which a child may be prosecuted, except for certain crimes. This bill prohibits the prosecution of children under the age of 12 and it bars the transfer of juvenile prosecution to the Superior Court for children under 16 (except for certain crimes).

B. EDUCATION

Susan Haberstroh reported that the CPAC Education Committee continues to oversee its workgroups: Data, MOU, Non-Academic Training, and Title IX. Ms. Haberstroh reported that she is going over the education data and working closely with Brittany Willard to make sure the definitions and business rules are the same. The MOU Workgroup is developing a survey about implementation of the MOU, and they are hoping to disseminate it soon. The Title IX Workgroup is drafting a best practice document for reporting, and it will be included as part of the mandatory reporting refresher training. As for the Non-Academic Training Workgroup, 21 school districts or charter schools have selected a curriculum and 11 have not. Eleven schools have selected Prevent Child Abuse Delaware to provide the education on personal body safety. Lastly, Eliza Hirst, Esq. and her team are developing a training on trauma-informed practice to make available to educators.

C. TRAINING

Ms. Morales shared feedback about the Protecting Delaware's Children Conference that was held in April. There were 400 professionals in attendance, which was a 20% no show rate. The workgroup is meeting next month to discuss the attendance, evaluations and identify the 2021 conference date.

Ms. Morales also provided an update on the ChildFirst® Forensic Interview Training Program. Diane Klecan, from the Children's Advocacy Center, and Ms. Morales had a teleconference with Rita Farrell from the Zero Abuse Project. The Zero Abuse Project is now responsible for the ChildFirst® Forensic Interview Protocol and Program. The next steps are to speak with a few other states about their successes and challenges with the protocol and program. If the feedback is positive, a recommendation

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will be submitted to CPAC to consider contracting with the Zero Abuse Project to renew our status as a ChildFirst® State, and transition to the ChildFirst® Protocol.

OCA, on behalf of CPAC, is working with the Delaware Learning Center to transition the mandatory reporting training to the state's learning management system. Ms. Morales hopes to have it fully transitioned by October 2019. This will free up Children's Justice Act funds for other training opportunities.

Finally, the Children's Justice Act grant was used to award training scholarships to members from the MDT. Six investigators and one prosecutor attended the 35th International Symposium on Child Abuse and Neglect in Alabama from March 19-21, 2019. In total, 18 professionals from Delaware attended the conference.

IX. COMMISSIONER REPORTS

A. DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

Secretary Manning reported that SB94, which allows for two unmarried persons to adopt, has made it through to the Senate. Additionally, Trenee Parker presented to the Legislative Kids Caucus on the Report Line. Daphne Warner, Deputy Director of the Division of Prevention and Behavioral Health Services (DPBHS) discussed Take Care Delaware, which was adapted from a West Virginia program, Handle with Care. Secretary Manning also discussed the increase in teens entering care and spike in residential placements for youth with complex issues.

I. DIVISION OF FAMILY SERVICES

Trenee Parker shared that May is Foster Parent Awareness Month, and last week, DSCYF hosted its annual Foster Parent Conference. Ms. Parker also discussed the graduation programs for the 35 youth, who will be graduating from high school this year. The Youth Advisory Council (YAC) Conference is also scheduled for this summer, and the youth are responsible for most of the planning. At the end of the month, Kind to Kids will be honoring two former foster youth, Mayda Berrios and Rashawn King, with the Rising Star Award.

II. PREVENTION AND BEHAVIORAL HEALTH SERVICES

Bob Dunleavy reported that DPBHS has been serving many children at risk for suicide. He also discussed three articles related to these trends. Nationally, these youth are often seen at the hospital emergency departments and are held until a program becomes available. Delaware is sending more youth out of state since hospitals are full and not equipped to take the more complex youth. DPBHS is looking for ways to serve these youth better.

B. CHILDREN'S ADVOCACY CENTER

No report provided as Commissioner was not in attendance.

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C. LAW ENFORCEMENT

No report provided.

D. INTERAGENCY COMMITTEE ON ADOPTION

Meg Garey reported that training is being provided to DSCYF staff, Delaware State Police and families on post-adoption services. Any family in Delaware is eligible if they have adopted, and the services are free. Ms. Garey has also been talking to Trenée Parker about linking with post-adoption services if these families come in through investigation.

E. DEPARTMENT OF JUSTICE

Islanda Finamore, Esq. reported that the FY20 Governor's Recommended Budget included a position for her unit. Jim Kriner, Esq. added that the Special Victims Unit had turnover in 2018.

F. OFFICE OF DEFENSE SERVICES

Charles Tate, Esq. said their priority is to make sure youth are no longer referred to the Department of Corrections' Youthful Criminal Offender Program (YCOP) for cases sentenced by the Superior Court. However, Secretary Manning stated that YCOP has undergone significant improvements and encouraged the Commission to learn about the new program. Now, there is not much of a difference between the YCOP facilities and facilities run by DSCYF.

X. NEW BUSINESS

There was no new business.

XI. PUBLIC COMMENT AND ADJOURNMENT

Mariann Kenville-Moore shared public comment about how to better integrate services for teens.

The meeting was adjourned at 11:21 a.m.